IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 26TH MARCH 2007 / 5TH CHAITHRA 1929

WP(C).No. 5692 of 2007(C)

PETITIONER:

MURALEEDHARAN, S/O. GANGADHARAN,
AGED 46 YEARS, 'RAJESH BHAVAN', THAMARAKUDY P.O.,
KOTTARAKKARA, KOLLAM DISTRICT.

BY ADV. SRI.JIJO PAUL
SRI.BABU S. NAIR

RESPONDENTS:
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1. THE STATE OF KERALA, REPRESENTED BY
THE SECRETARY, DEPARTMENT OF HOME AFFAIRS,
GOVERNMENT SECRETARIAT, TRIVANDRUM.

2. THE DIRECTOR GENERAL OF POLICE,
STATE OF KERALA, TRIVANDRUM.

3. THE DEPUTY SUPERINTENDENT OF POLICE,
C.B.C.I.D., KOLLAM.

4. THE CIRCLE INSPECTOR OF POLICE,
KOLLAM EAST POLICE STATION, KOLLAM.

5. THE REVENUE DIVISIONAL OFFICER,
KOLLAM.

BY GOVERNMENT PLEADER SRI.GIKKU JACOB.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

R. BASANT, J.

W.P.(C) NO.5692 OF 2007-C

Dated this the 26th day of March, 2007

JUDGMENT

The petitioner is the brother of the deceased Rajendran who died in police custody on 6/4/05. The grievance of the petitioner is that no proper action has been taken by the police in connection with the crime registered in relation to the death of is brother.

2. The learned Public Prosecutor has entered appearance on behalf of the respondents. The learned Public Prosecutor was requested to take instructions. A statement has been filed by the Investigating Officer who is seized of the matter. The statement filed by the Investigating Officer shows that the investigation is complete and draft charges along with Case Diary files have been forwarded to the Crime Branch CID Head Quarters for obtaining the requisite sanction from the Government under Sec.197 of the Cr.P.C.

As soon as the sanction is obtained, the final report shall be filed by the Investigating Officer i.e., the Detective Inspector, Crime Branch CID, Kollam, it is reported.

3. In the light of the stand taken by the learned Public Prosecutor and the report filed by the Investigating Officer that as soon as the sanction is obtained from the Government, needful shall be done, the petitioner does not have any surviving grievance, it is reported. I am satisfied that no further directions need be issued in this writ petition.

4. In the result, this writ petition is dismissed accepting the submission of the learned Public Prosecutor. I make it clear that the dismissal of this writ petition will not in any way fetter the rights of the petitioner to approach this Court again if charge sheet is not filed within a period of three months from this date.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge